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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/780,058

02/17/2004

Charles L. Jackson

3111.002

9674

37999

7590

12/22/2005

DEWITT ROGGIN PLLC
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EXAMINER

JOHNSON, STEPHEN

ART UNIT

PAPER NUMBER

3641

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/780,058	Applicant(s) JACKSON ET AL.	
	Examiner Stephen M. Johnson	Art Unit 3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 3,5,6,12,14-16 and 27 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23 and 24 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7-11,13,17-22,25,26,28 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-29 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Applicant's election without traverse of a system containing a motion sensor that is a 3-axis accelerometer located in the handle of a firearm having a light indicator in the reply filed on 10/11/2005 is acknowledged.

Claims 3, 5-6, 12, 14-16, and 27 are withdrawn from consideration as being directed to non-elected species. Claims 1-2, 4, 7-11, 13, 17-26, and 28-29 read on the elected invention and an action on these claims follows.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the energy source or battery or energy supply subsystem; the dead-man switch; the firearm; the firearm handle; the light indicator; and the mechanical safety (see all claims) must be shown or the feature(s) canceled from the claim(s). **No new matter should be entered.**

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 10-11, 19, 25, and 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Verplaetse et al. (488).

Verplaetse et al. (488) disclose a system and associated method for authorizing use of a firearm comprising:

- | | |
|--|------------|
| a) a motion sensor (accelerometer); | 14 |
| b) a processor connected to an output of the motion sensor; | 16, 18, 20 |
| c) an energy source; | inherent |
| d) an operation enablement subsystem located in the firearm; and | 102 |
| e) an indicator. | 104 |

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verplaetse et al. (488) in view of either Danner et al. (588).

Verplaetse et al. (488) applies as previously recited. However, undisclosed is an

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accelerometer that is a 3-axis accelerometer (see para [0036] and [0039]). Applicant is substituting one motion sensor for another in an analogous art setting as explicitly encouraged by the secondary reference (see para [0036] and [0039] of Danner et al. (588)). It would have been obvious to a person of ordinary skill in this art to apply the teachings of Danner et al. (588) to the Verplaetse et al. (488) authorization system and have an authorization system with a different type of motion sensor.

7. Claims 17-18, 20-21, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verplaetse et al. (488) in view of Dworzan et al. (940).

Verplaetse et al. (488) apply as previously recited. However, undisclosed is a motion sensor and associated processor located in the handle or the firearm; a mechanical safety to provide energy to the processor; or an indicator that is a light. Dworzan et al. (940) teach a motion sensor and associated processor located in the handle or the firearm (col. 3, lines 40-45); a mechanical safety to provide energy to the processor (col. 5, lines 32-43); and an indicator that is a light (col. 4, lines 56-58). In regard to the location of the motion sensor, this is performed as explicitly encouraged by the secondary reference (see col. 3, lines 40-45 of Dworzan et al.) in an analogous art setting. With regard to the mechanical safety, such is directed to selecting and using the mechanical safety as it is already commonly known to be used in this art. With regard to the light indicator, applicant is merely substituting a visual indicator for an audible indicator in an analogous art setting. Such a substitution is explicitly encouraged by col. 6, lines 1-15 of Dworzan et al.. It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Dworzan et al. to the Verplaetse et al. authorization system and have an authorization system as modified above.

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8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verplaetse et al. (488) in view of Rumfelt (844).

Verplaetse et al. (488) apply as previously recited. However, undisclosed is a power source that is a battery. Rumfelt (844) teaches a power source that is a battery (col. 3, lines 39-42). Applicant is substituting one power source for another in an analogous art setting as explicitly encouraged by the secondary reference (see col. 3, lines 39-42 of Rumfelt). It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Rumfelt (844) to the Verplaetse et al. (488) authorization system and have an authorization system with a particular type of power source.

9. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verplaetse et al. (488) in view of Recce (940).

Verplaetse et al. (488) applies as previously recited. However, undisclosed is a dead-man switch for enabling and disabling operation of the authorization system. Recce (940) teaches a dead-man switch for enabling and disabling operation of the authorization system (items 125, 210, and 215 in combination). Applicant is selecting a safety switching device commonly known to be used in this art and putting it to use as it is already known to function in this art. It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Recce (940) to the Verplaetse et al. (488) authorization system and have an authorization system with an associated dead-man switch.

10. Claims 23-24 are allowed.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Johnson discloses a state of the art alarm device.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 571-272-6877 and whose e-mail address is (Stephen.Johnson@uspto.gov). The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The Central FAX phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.



STEPHEN M. JOHNSON
PRIMARY EXAMINER

Stephen M. Johnson
Primary Examiner
Art Unit 3641

SMJ
December 17, 2005